

1 David Israel, Esq. (LSB No. 7174) (SPACE BELOW FOR FILING STAMP ONLY)
2 Bryan C. Shartle, Esq. (LSB No. 27640)
3 SESSIONS, FISHMAN & NATHAN, L.L.P.
4 Lakeway Two, Suite 1240
5 3850 North Causeway Boulevard
6 Metairie, LA 70002-1752
7 Telephone: (504) 828-3700
8 Facsimile: (504) 828-3737

6 Debbie P. Kirkpatrick, Esq. (CSB No. 207112)
7 SESSIONS, FISHMAN & NATHAN IN CALIFORNIA, L.L.P.
8 3667 Voltaire Street
9 San Diego, CA 92106
10 Telephone: (619) 758-1891
11 Facsimile: (619) 222-3667

10 Attorney for Defendant

11 UNITED STATES DISTRICT COURT
12
13 SOUTHERN DISTRICT OF CALIFORNIA

14 JAMES M. KINDER,)	Case No. 3:07-cv-02132-H-CAB
)	
15 Plaintiff,)	NOTICE OF RELATED
)	CASES [L.R. 40.1.e.]
16 -against-)	
)	
17 NATIONWIDE RECOVERY SYSTEMS, LTD.,)	
)	
18 Defendant.)	
)	
19)	

20 Pursuant to Local Rule 40.1.e., defendant, Nationwide Recovery Systems, Ltd.
21
22 (“NRS”), submits this Notice of Related Cases.

23 The above-captioned case is related to “low number” Case No. 07cv877 DMS
24 (POR) entitled *James M. Kinder v. Bankfirst*, currently before the Hon. Dana M.
25 Sabraw. Additionally, the cases listed below are also related to the above-captioned
26
27
28

case and the low number case. Two of these cases, *James M. Kinder v. Asset Acceptance, LLC*, Case No. 07cv2084 DMS(AJB) and *James M. Kinder v. Enhanced Recovery Corporation, et al.*, Case No. 07cv2152 DMS(AJB) have already been transferred to Judge Sabraw pursuant to Report of Clerk Pursuant to Low Number Rule filed in those cases.

The related cases are:

1. *James M. Kinder v. Bankfirst*, Case No. 07cv877 DMS(POR) (low number case – filed 5/15/07);
2. *James M. Kinder v. Sprint PCS Assets LLC*, Case No. 07cv2049 WQH(JMA) (filed 10/26/07);
3. *James M. Kinder v. Asset Acceptance, LLC*, Case No. 07cv2084 DMS(AJB) (filed 10/30/07);
4. *James M. Kinder v. Astra Business Services, Inc.*, Case No. 07cv02091-H(JMA) (filed 10/31/07);
5. *James M. Kinder v. Nationwide Recovery Systems, LTD*, Case No. 07cv2132 H(CAB) (this case - filed 11/7/07);
6. *James M. Kinder v. Discover Card Services, Inc.*, Case No. 07cv02138 WQH(BLM) (filed 11/7/07);
7. *James M. Kinder v. Enhanced Recovery Corporation*, Case No. 07cv2152 DMS(AJB) (filed 11/8/07)
8. *James M. Kinder v. Harrah's Entertainment, Inc.*, Case No. 07cv2226-H(RBB) (filed 11/21/07); and,
9. *James M. Kinder v. Cavalry Investments, LLC*, Case No. 07cv02274 IEG(WMC) (filed 12/4/07)

STATEMENT OF RELATIONSHIP OF CASES

Plaintiff, James M. Kinder, filed the above cases under the Telephone Consumer Protection Act of 1991 (“TCPA”), 47 U.S.C. § 227. These TCPA lawsuits relate to telephone calls made to number 619-999-9999 (the “9s Number”), which plaintiff obtained and had assigned to his pager. The 9s Number is used by many

1 companies as a default number in computer records for customers without a known
2 telephone number and is also widely used as a default number in commercial
3 autodialers.
4

5 Plaintiff alleges defendants in these pending cases violated the TCPA with each
6 call made to the 9s Number using an “automatic telephone dialing system” or an
7 “artificial or prerecorded voice.” Plaintiff has developed a sophisticated system for
8 tracking calls to the 9s Number and has created a business of TCPA litigation relating
9 to these calls. Plaintiff seeks \$500 for each call and \$1,500 for each call that is found
10 to have been willful. Plaintiff has filed approximately 100 lawsuits of the same type in
11 state court which are currently the subject of a pending motion to consolidate.
12

13 The complaints filed in each of these cases is virtually identical with the
14 exception of the complaint in *James M. Kinder v. Harrah’s Entertainment, Inc.*, Case
15 No. 07cv2226 H(RBB) which asserts other causes of action in addition to the TCPA
16 claim. These cases meet the criteria set forth in the Report of Clerk Pursuant to Low
17 Number Rule which resulted in the transfer of the *Asset Acceptance* and *Enhanced*
18 *Recovery* cases to Judge Sabraw. Each of these cases: (1) arises from substantially
19 identical transactions, happenings and events; (2) involves the same plaintiff; (3) calls
20 for determination of the same or substantially identical questions of law; and (4) would
21 entail unnecessary duplication of labor if heard by different judges. Common legal
22 issues include the applicability of the TCPA to this particular fact pattern, the
23 reasonableness of plaintiff’s actions and mitigation efforts, the applicability of
24
25
26
27
28

1 equitable defenses to plaintiff's claims, and the legal sufficiency of plaintiff's
2 complaints.

3 Dated: December 10, 2007

Sessions, Fishman & Nathan in California, L.L.P.

4
5 /s/ Debbie P. Kirkpatrick

6 Debbie P. Kirkpatrick

7 Attorney for Defendant,

Nationwide Recovery Systems, Ltd.